

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,

Plaintiff,

v.

MIHAI CLAUDIU-FLORENTIN, an
individual, d/b/a
VETERANCHEATS.COM, et al.,

Defendants.

CASE NO. 2:21-cv-01114-TL

ORDER ON DOE DEFENDANTS

This matter is before the Court *sua sponte*. In its Amended Complaint, Plaintiff Bungie Inc. includes claims against a number of fictitious “Doe” Defendants who have never been identified or served in this action. *See* Dkt. No. 18 ¶ 10. While naming fictitious defendants is generally disfavored in federal court, “plaintiff[s] should be given an opportunity through discovery to identify the unknown defendants, unless it is clear that discovery would not uncover the identities, or that the complaint would be dismissed on other grounds.” *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). Plaintiff was granted expedited discovery to identify or locate the unknown defendants. Dkt. No. 9. Plaintiff’s time to serve per Federal Rule of Civil Procedure

1 4(m) was also extended. Dkt. No. 12. Plaintiff eventually filed proof of service on Defendant
2 Mihai Claudiu-Florentin, d/b/a Veterancheats.com, against whom entry of default (Dkt. No. 29)
3 and default judgment (Dkt. No. 43) was granted. The Court notes that neither of Plaintiff's
4 default motions address the unspecified fictitious Defendants. The previously extended service
5 deadline has now long passed.

6 Rule 4(m) allows the Court to dismiss defendants who are not timely served *sua sponte*
7 upon notice to the plaintiff. Plaintiff is therefore directed to file a stipulated notice voluntarily
8 dismissing all unnamed Doe Defendants pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) **within**
9 **fourteen (14) days** of the date of this Order. Alternatively, if Plaintiff intends to proceed with
10 any of its claims against any of the Doe Defendants, it must move for leave to amend its
11 complaint to identify any unnamed defendants and for additional relief from the service deadline
12 **within fourteen (14) days** of the date of this Order. Otherwise, pursuant to Rule 4(m), the Court
13 will *sua sponte* order the dismissal of all claims against all Doe Defendants.

14 Dated this 26th day of April 2023.

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17 Tana Lin
18 United States District Judge
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